

JAMES DAL BON
CA BAR #157942
LAW OFFICES OF JAMES DAL BON
28 NORTH 1ST SUITE 210
SAN JOSE, CA 95113
TEL (408)297-4729
FAX (408)297-4728

ATTORNEY FOR PLAINTIFFS

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

HECTOR ROMO, ISAI LANDA ARCILA,

OLGA ANGUIANO ESPINOZA

Plaintiffs,

vs.

JOSE MUNOZ dba TAQUERIA

CONSUELITO AND DOES 1-10

Defendants

Case No:

08 02613

PVT

COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL:

- 1) Violation of California Labor Code Section 510;
- 2) Violations of the Federal Fair Labor Standards Act;
- 3) Violation of California Business and Professions Code Section 17200; and
- 4) Violation of California Labor Code Section 201; and
- 5) Violation of California Labor Code Section 226.

NATURE OF CLAIM

This is an action on behalf of HECTOR ROMO, ISAI LANDA ARCILA, OLGA ANGUIANO ESPINOZA who have been employed on a hourly basis by JOSE MUNOZ dba TAQUERIA CONSUELITO AND DOES 1-10 during VARIOUS PERIODS OF TIME prior to the filing of this Complaint, seeking damages arising from employer's failure to pay overtime as required by the Fair Labor Standards Act and the California Wage Orders and statutes. Plaintiff seeks compensatory damages for unpaid wages under California Labor Code and Wage Orders, liquidated damages under 29 U.S.C. §216(b), waiting time penalties under California Labor

1 Code § 203, damages for inadequate pay statements under California Labor Code Section 226,
2 and attorney's fees, costs, pre judgment interest pursuant to California Labor Code § 1194(a) and
3 29 U.S.C. § 216(b), and restitution under California Unfair Trade Practices Act under California
4 Business and Professions Code § 17203.

5 **PARTIES**

- 6 1. At all times relevant herein, Plaintiff Hector Romo is an individual resident of Livermore,
7 California.
- 8 2. At all times relevant herein, Plaintiff Isai Landa Arcila is an individual resident of
9 Livermore, California.
- 10 3. At all times relevant herein, Plaintiff Olga Anguiano Espinoza is an individual resident of
11 Livermore, California.
- 12 4. At all times relevant herein, Defendant Jose Munos, is the sole owner, operating a
13 restaurant business in Livermore, California.
- 14 5. At all times relevant herein, Defendant Taqueria Consuelito, is a restaurant in Livermore,
15 California.

16 Individual Defendants DOES 1-10, at all times relevant herein, are, according to information and
17 belief, owners, managers, directors, associates, related to, or employees of JOSE MUNOZ dba
18 TAQUERIA CONSUELITO AND DOES 1-10 , having control over the Plaintiffs' work
19 condition and work situation.

20 **GENERAL ALLEGATIONS**

- 21 6. At all times relevant herein, Plaintiffs were employees of defendants doing business as a
22 range of different professions in Livermore, California.
- 23 7. Plaintiffs were according to information and belief, employee of Defendants acting in the
24 normal course and scope of their employment as restaurant workers with Defendants.

1 8. During the course of Plaintiffs' employment with Defendant, Plaintiffs regularly worked
2 in excess of 40 hours per week.

3 9. Plaintiffs were paid on an hourly basis.

4 10. Plaintiffs did not perform "exempt" duties in their different assigned positions as cooks,
5 butchers and a waitress with defendants and thus was not subject to any exemption under
6 the Fair Labor Standards Act, 29 CFR 541.112, 541.209 and 541.209. The Plaintiffs did
7 not even marginally responsible for management or administrative functions, and their
8 primary job did not require them to exercise independent discretion and judgment or
9 regularly require invention or imagination in a recognized field of artistic endeavor more
10 than fifty percent of their working time.

11 11. At no time during the Plaintiff's employment did Plaintiffs maintain any professional
12 license with the state or practice any recognized profession, nor did Plaintiffs exclusively
13 manage any division of Taqueria Consuelito where they customarily and regularly
14 exercised discretionary powers or perform services of management. Plaintiffs did not
15 directly supervise any employees nor did they participate in the development of general
16 administrative policies of Taqueria Consuelito.

17 **COUNT ONE: VIOLATION OF CA LABOR CODE SECTION §510**

18 **FAILURE TO PROPERLY PAY OVERTIME WAGES**

19 12. Plaintiffs re-allege and incorporate paragraphs 1-11 as if fully stated herein.

20 13. California Labor Code Section 501, applicable at all times relevant herein to Plaintiffs'
21 employment by Defendants, provides that all employees are entitled to payment at the
22 rate of time and one half for hours in excess of 8 in one day, or 40 hours in one week, and
23 double time for hours in excess of 12 in one day.

1 14. During the course of employment with Defendants, Plaintiffs regularly worked in excess
2 of 8 hours a day and 40 hours per week, however Defendant's knowingly and willingly
3 failed to pay Plaintiffs overtime wages as required by law.

4 15. California Labor Code Section 1194 provides that it is unlawful for employers not to
5 make the required overtime payments identified in the preceding paragraph and that
6 employees not paid such payments can recover any monies owed by civil action.

7 16. Defendants therefore owe Plaintiffs overtime wages not properly paid to Plaintiffs in an
8 amount to be determined at trial.

9 17. Defendants have failed and refused and continue to fail and refuse to pay Plaintiffs the
10 amount owed.

11 18. Defendants' failure to pay Plaintiffs the required sum violates the provisions of Labor
12 Code Sections 510 and 1194 and is therefore unlawful.

13 19. Pursuant to Labor Code Section 1194(a), Plaintiffs requests that the court award Plaintiffs
14 reasonable attorney's fees and costs incurred by them in this action.

15 **COUNT TWO: VIOLATION OF THE FAIR LABOR STANDARDS ACT**

16 **FAILURE TO PROPERLY PAY OVERTIME WAGES**

17 20. Plaintiff re-alleges and incorporates paragraphs 1-19 as if fully stated herein.

18 21. At all relevant times herein, Plaintiffs' employment were subject to the provisions of the
19 Fair Labor Standards Act of 1938, as amended ("FLSA"), 29 U.S.C. § 201, et seq. and
20 Plaintiffs were individual employees covered by virtue of Plaintiffs' direct engagement
21 in interstate commerce.

22 22. The FLSA, 29 U.S.C. § 207 requires all employees to be paid overtime for work
23 performed in excess of forty hours per week, unless specifically exempted by the law.

24 23. Although Plaintiffs were not so exempt during employment with Taqueria Consuelito,
25 defendants knowingly caused and permitted Plaintiffs to regularly work in excess of forty

1 hours per week without paying Plaintiffs one and one half of Plaintiffs' regular rate of
2 pay.

3 24. By not paying overtime wages in compliance with the FLSA, defendants violated
4 Plaintiffs' rights under the FLSA.

5 25. As a direct and proximate result of defendants' failure to pay proper wages under the
6 FLSA, Plaintiffs incurred general damages in the form of lost overtime wages.

7 26. Defendants intentionally, with reckless disregard for their responsibilities under the
8 FLSA, and without good cause, failed to pay Plaintiffs proper wages, and thus defendants
9 are liable to Plaintiffs for liquidated damages in an amount equal to lost overtime wages,
10 pursuant to 29 U.S.C. § 216(b) of the FLSA.

11 27. Defendants therefore owe Plaintiffs overtime not properly paid to Plaintiffs, in an amount
12 to be determined at trial.

13 28. Plaintiffs were required to retain legal assistance in order to bring this action and, as such,
14 is entitled to an award of reasonable attorney's fees pursuant to 29 U.S.C. § 216(b) of the
15 FLSA.

16 **COUNT THREE: VIOLATION OF CA LABOR CODE SECTION 201**

17 **FAILURE TO PAY WAGES DUE AND "WAITING TIME" PENALTIES**

18 29. Plaintiffs re-allege and incorporate the allegations of paragraphs 1-28 as if fully stated
19 herein.

20 30. At the time Plaintiffs' employment with Taqueria Consuelito, defendant's owed Plaintiffs
21 certain unpaid overtime wages in amounts previously alleged.

22 31. Failure to pay wages owed at an employee's termination as required by Labor Code §201
23 subjects the employer the payment of a penalty equaling up to 30 days wages, as
24 provided for in Labor Code § 203.
25

1 32. As of this date, Defendants have failed and refused, and continue to fail and refuse, to
2 pay the amount due, thus making defendants liable to Plaintiffs for penalties equal to
3 thirty (30) days wages, in an amount to be determined at trial.

4 33. Pursuant to Labor Code Section 218.5, Plaintiffs requests that the court award Plaintiffs
5 reasonable attorney's fees and costs incurred in this action.

6 34. Pursuant to Labor Code Section 218.6, Plaintiffs requests that the court award interest on
7 all due and unpaid wages, at the legal rate specified by Civil Code Section 3289(b),
8 accruing from the date the wages were due and payable.

9 **COUNT FOUR: VIOLATION OF CA BUSINESS AND PROFESSIONS CODE**

10 **SECTION 17200 UNFAIR BUSINESS PRACTICES**

11 35. Plaintiffs re-allege and incorporate the allegations of paragraphs 1-34 as if fully stated
12 herein.

13 36. At all times relevant herein, Plaintiffs' employment with defendants applicable Wage
14 Orders promulgated by the California Industrial Welfare Commission, which required all
15 employees to be paid overtime for work performed in excess of forty hours per week or
16 eight hours per day, unless specifically exempted by law.

17 37. At all times relevant herein, as the employer of Plaintiff, defendants were subject to the
18 California Unfair Trade Practices Act (California Business and Professions Code §
19 §17000 et seq.), but failed to pay the Plaintiff overtime pay as required by applicable
20 California Labor Code and applicable Wage Orders.

21 38. During the period Plaintiff was employed with Taqueria Consuelito defendants failed to
22 pay Plaintiff legally required overtime pay to which he were legally entitled, with
23 defendants keeping to themselves the amount which should have been paid to Plaintiffs.

24 39. In doing so, defendants violated California Unfair Trade Practices Act, Business and
25 Professions Code §17200, et seq. by committing acts prohibited by applicable California

1 Labor Code provisions, California Wage Orders, and the FLSA, thus giving them a
2 competitive advantage over other employers and businesses with whom defendants were
3 in competition and who were in compliance with the law.

4 40. As a direct and proximate result of defendants' violations and failure to pay the required
5 overtime pay, the Plaintiffs' rights under the law were violated and the Plaintiffs incurred
6 general damages in the form of unpaid wages in an amount to be determined at trial.

7 41. Defendants had been aware of the existence and requirements of the Unfair Trade
8 Practices Act and the requirements of State and Federal wage and hour laws, but
9 willfully, knowingly, and intentionally failed to pay Plaintiffs overtime pay due.

10 42. Plaintiffs, having been illegally deprived of the overtime pay to which he were legally
11 entitled, herein seeks restitution of such wages pursuant to the Business and Professions
12 Code §17203 in an amount to be determined at trial.

13 **COUNT FIVE: VIOLATION OF CALIFORNIA LABOR CODE SECTION 226**

14 **INADEQUATE PAY STATEMENTS**

15 43. Plaintiffs re-allege and incorporate the allegations of paragraphs 1-42 as if fully stated
16 herein.

17 44. California Labor Code Section 226 provides that all employers shall provide to
18 employees accurate and complete wage statements including, but not to limited to, an
19 accurate and current statement of all rates paid for all regular and overtime hours worked
20 during the pay-period, a complete and itemized statement of deductions, net wages
21 earned, the dates for which payment are being made, and the current address and name of
22 the employer.

23 45. California Labor Code Section 226 further provides that any employee suffering injury
24 due to a willful violation of the aforementioned obligations may collect the greater of
25

1 either actual damages or \$50 for the first inadequate pay statement and \$100 for each
2 inadequate statement thereafter.

3 46. During the course of Plaintiffs' employment, defendants consistently failed to provide
4 Plaintiff with adequate pay statements as required by California Labor Code §226.

5 47. Defendants failed to provide such adequate statements willingly and with full knowledge
6 of their obligations under Section 226.

7 48. Defendants' failure to provide such adequate statements has caused injury to the
8 Plaintiffs.

9 49. Plaintiffs are therefore legally entitled to recover actual damages caused by defendants'
10 failure to provide proper records, in an amount to be determined at trial.

11 50. Plaintiffs has incurred costs and fees in bringing this action and seeks to recover such
12 costs under California Labor Code §226.

13 **COUNT SIX: VIOLATION OF CA LABOR CODE SECTION 226.7 FAILURE TO**
14 **PROVIDE MEAL PERIODS**

15 51. Plaintiffs re-allege and incorporate the allegations of paragraphs 1-50 as if fully stated
16 herein.

17 52. At relevant times herein, Plaintiffs' employment with Defendants was subject to the
18 provisions of California Labor Code § 226.7, which requires employers to provide
19 employees a half-hour meal period for every five hours worked, unless expressly
20 exempted.

21 53. During their employment with Defendants, Plaintiffs worked more than six hours per day,
22 and were not provided meal periods as required by law.

23 54. Pursuant to California Labor Code section 226.7, plaintiffs are entitled to recover one
24 additional hour of pay at each employee's regular rate of compensation, for each time that
25 plaintiffs were not provided the required meal period.

1 55. Plaintiffs are therefore entitled to payment, in an amount subject to proof.

2 **COUNT SEVEN: NEGLIGENT RETENTION, SUPERVISION AND TRAINING**
3 **OF AN EMPLOYEE**

4 56. Plaintiff incorporates each allegation set forth in paragraphs 1 through 55.

5 57. At times as mentioned in this complaint, Defendant negligently trained, retained and supervised his
6 supervisory and administrative employees. Defendants failed to exercise reasonable care in the
7 supervision, retention and training of employees including but not limited to failing to adequately
8 supervise and train employees on the laws concerning the payment of wages and wage
9 discrimination.

10 58. Defendant negligently failed to investigate the background of supervisory and administrative
11 employees and also failed to take reasonable steps to protect Plaintiffs' wages and Plaintiffs from
12 wage discrimination.

13 59. Defendant failed to supervise his employees including but not limited to managing agents and their
14 employees/agents knew or reasonably should have known that the conduct and acts of omission set
15 forth above violated Plaintiffs rights under state and federal law.

16 60. Defendant knew or should have known that unless he intervened to protect Plaintiffs and to
17 adequately supervise, regulate, or discipline the conduct of supervisory and administrative
18 employees, he ratified the acts or omissions of supervisory and administrative employees.

19 61. As a result of the aforementioned behavior of Defendant, plaintiffs have suffered and continue to
20 suffer damages, in the form of lost wages and other employment benefits, and severe emotional and
21 physical distress, the exact amount of which will be proven at trial.

22 62. Defendants and each of them acted for the purpose of causing plaintiff to suffer financial loss and
23 severe emotional distress and physical distress and are guilty of oppression and malice, justifying an
24 award of exemplary and punitive damages.
25

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs prays for the following relief:

63. For compensatory damages per CA Labor Code §1194 for unpaid overtime wages in an amount to be determined;
64. For liquidated damages per the FLSA equal to unpaid overtime wages in an amount to be determined at trial;
65. For restitution of unpaid overtime pay pursuant to California Business and Professions Code §17203 in an amount to be determined at trial;
66. For waiting time penalty damages of thirty days wages to Plaintiffs, pursuant to California Labor Code § 203 in an amount to be determined at trial;
67. Damages and penalties for inadequate pay statements pursuant to California Labor Code Section 226 in an amount to be determined at trial;
68. For pre-judgment interest of 10% on the unpaid overtime compensation and unpaid salaries pursuant to California Labor Code §1194(a);
69. Plaintiffs asks the court to award reasonable attorney's fees pursuant to California Labor Code §1194(a) and 29 U.S.C. §216(b) of the FLSA;
70. For general damages in an amount subject to proof;
71. For special damages in an amount subject to proof;
72. For punitive damages
73. For costs of suit herein; and
74. For such other and further relief as the Court may deem appropriate.

1 May 16, 2008



JAMES DAL BON
LAW OFFICES OF JAMES
DAL BON
28 NORTH 1ST STREET
SUITE 210,
SAN JOSE, CA 95113

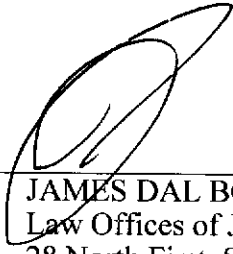
JAMES DAL BON
CA BAR #157942
LAW OFFICES OF JAMES DAL BON
28 NORTH 1ST STREET SUITE 210
SAN JOSE, CA 95113
(408)297-4279

ATTORNEY FOR PLAINTIFFS

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HECTOR ROMO, ISAI LANDA ARCILA,)	Case No:
OLGA ANGUIANO ESPINOZA)	DEMAND FOR JURY TRIAL
Plaintiffs,)	
vs.)	
JOSE MUNOZ dba TAQUERIA)	
CONSUELITO AND DOES 1-10)	
Defendants)	

Plaintiffs demand a jury trial.


JAMES DAL BON
Law Offices of James Dal Bon
28 North First, St, Suite 210
San Jose, CA 95113

JS 44 - No. CA (Rev. 4/87)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO)

I.(a) PLAINTIFFS

HECTOR ROMO, ISAI LANDA ARCILA, OLGA
ANGUIANO ESPINOZA

DEFENDANTS

JOSE MUNOZ dba TAQUERIA CONSUELITO
AND DOES 1-10

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Law Offices of James Dal Bon
28 North 1st Street Suite 210, San Jose, CA 95113

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- (For diversity cases only)
- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 730 Labor/Right Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7809	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 480 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) 29 U.S.C. 209, et seq.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ 120,000.00
UNDER F.R.C.P. 23

☐ CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE A "X" IN ONE BOX ONLY) ☒ SAN FRANCISCO/OAKLAND ☒ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/22/09

